

LOCAL COURT RULES CIRCUIT COURTS

Third Judicial Circuit (Wayne)

Rule: 2.100 Praecipēs–Forms and Procedure

(A) At Issue Praecipēs–Forms. The following forms shall be used for "At Issue Praecipēs":

- (1) Yellow form–Domestic relations default judgments.
- (2) Blue form–Contested domestic relations actions.
- (3) White form–All other civil actions.

(B) At Issue Praecipēs–Filing. An "At Issue Praeipce" shall be filed with Docket Management and a copy served on the attorneys of record or parties in propria persona, with the answer to the complaint.

(C) Added Parties or Appearance After Praeipce Is Filed (Notice to Docket Management). If any party is added to an action or an attorney appears in an action after the "At Issue Praeipce" is filed, the party or attorney shall immediately notify Docket Management.

(D) Domestic Relations Actions. In uncontested domestic relations actions the action shall be considered "at issue" when the default has been taken, and an "At Issue Praeipce" shall be filed with the affidavit of default.

Rule: 2.107 Service and Filing of Pleadings and Other Papers

(A) Service of Pleadings. At the time of service of the summons and complaint, the plaintiff shall serve upon the opposing parties the preprinted caption labels provided pursuant to LCR 2.113(C).

Rule: 2.113 Form of Pleadings and Other Papers

(C) Pleadings – Requirement of Preprinted Labels. All pleadings hereinafter filed shall bear on the face thereof preprinted caption labels to be furnished by the Office of the County Clerk.

Rule: 2.119 Motion Practice

(A) Motion Praeipce Forms. A white form is to be used for a general motion praecipce and a yellow form for a domestic relations motion praecipce.

(B) Additional Motion Requirements.

- (1) Certification by Attorney. The following certificate signed by the attorney of record or the party in propria persona must be placed on the face sheet of each motion filed in the county clerk's office:

I hereby certify that I have complied with all provisions of LCR 2.119(B) on motion practice.

Attorney of Record

(2) Ascertaining Opposition; Contents. The moving party must ascertain whether a contemplated motion will be opposed. The motion must affirmatively state that the concurrence of counsel in the relief sought has been requested on a specified date, and that concurrence has been denied or has not been acquiesced in, and hence, that it is necessary to present the motion.

(C) Rescinded April 2, 2003.

(D) Motions and Orders to Show Cause in Civil Cases Other Than Domestic Relations Cases. The original motion must be filed with the county clerk, who shall indicate payment of the motion fee on the praecipe. The praecipe, with a copy of the motion or order to show cause and the brief, if any, attached, must be delivered to the judge who is to hear the motion or order to show cause. Any party filing any pleading, brief, or other document relating to a pending motion or order to show cause shall indicate the hearing date and time for oral argument of the motion or order to show cause in the upper right corner of the front page of each document, file the original with the county clerk, and deliver a copy to the judge who is to hear the motion or order to show cause.

Rule: 3.206 Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order

A completed "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order" must be filed in all actions for divorce, separate maintenance or annulment of marriage, where the complaint alleges that minor children were born to the parties or during the marriage. The original must be filed with the county clerk. Copies must be served on the Friend of the Court and the defendant. A proof of service must be provided to the Friend of the Court.

Rule: 3.207 Ex Parte Interim Orders for Support, Custody of Children and Attorney Fees; Notice of Dispute

(A) Before an ex parte interim order for the support of minor children or for attorney fees in a domestic relations action is presented to the judge, the party seeking the order must complete a "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order," and a "Certificate of Conformity." The originals must be filed with the county clerk, and copies provided to the Friend of the Court. The party also must submit a Verified Statement as required by MCR 3.204(B).

(B) After the ex parte interim order for support is entered, the party who obtained the order must serve on the opposite party completed copies of the "Certificate on Behalf of Plaintiff Regarding Ex Parte Interim Support Order," the "Certificate of Conformity," the complaint (or counterclaim or petition), the custody affidavit required by MCL 600.659, and the ex parte interim order for support. A proof of service of these documents must be filed with the county clerk and the Friend of the Court.

(C) In all cases in which there is a dispute as to child custody, visitation, child support, or alimony, a party who requests the temporary or final order shall file with the Friend of the Court a written Notice of Dispute which shall include the information required by MCR 3.204 and the nature of the dispute. (Forms to be supplied by the Friend of the Court's office.)

Rule: 3.211 Judgments and Orders

(B) Certificate of Conformity. Domestic relations orders and judgments, when presented for the court's signature, shall be certified as to content on an appropriate Certificate of Conformity. The forms shall be provided by the Friend of the Court's office.

Rule: 6.100 Rules Applicable in the Third Judicial Circuit

(A) Criminal Division, Assignment of Judges, Case Processing. The Criminal Division of the Third Judicial Circuit shall consist of a presiding judge and such other judges as may be assigned by the chief judge. The number and term of said judges shall be determined by the chief judge.

(B) Appearance in Lower Court Constitutes Appearance in Circuit Court. Appearance by an attorney in a municipal or district court in any criminal action where the defendant is bound over to the Third Judicial Circuit shall constitute an appearance in the Third Judicial Circuit in said criminal action. An attorney may by motion for cause shown be permitted to withdraw from further representation of said defendant.

(C) Method of Assignment, Reassignment; Adjournments. Cases shall be assigned by lot to a trial judge. If the trial judge is unavailable on the date set for trial, the case shall be reassigned to an available judge within the Criminal Division or, if no such judge is available, then to a judge available in the Civil Division.

No trial of a criminal case shall be adjourned except by the presiding judge for good cause shown upon motion of the party seeking the adjournment or by the presiding judge for good cause.

(D) Implementation of Court-Administered Final Plea Conference in Criminal Felony Matters. A final plea conference shall be held prior to trial of all criminal felony cases bound over to the Third Judicial Circuit. The final plea conference shall be scheduled by the court after the conclusion of the arraignment on the information and no later than 3 weeks prior to the scheduled trial date. The final plea conference shall be administered by the presiding judge of the criminal division. The defendants, defense attorneys, and the Wayne County Prosecuting Attorney's office shall be notified in writing of the court-scheduled final conference and shall appear at the time and location specified in the notice. The failure of the defendant to appear for the final conference may result in the issuance of a warrant for his or her arrest and the revocation of bond. All requests for adjournment of the final conference are to be taken in open court before the presiding judge of the Criminal Division.

Rule: 6.410 Selection of Juries for Trials of Former Recorder's Court Cases

(A) Application.

This rule only applies to defendants who are

- (1) charged with committing a felony in the City of Detroit, and
- (2) arraigned on the warrant or complaint before October 1, 1997.

(B) Selection of Jurors.

For trials of defendants described in subrule (A), the court will draw potential jurors from all of Wayne County, unless the defendant elects in writing, on or before the final pretrial conference, to be tried by a jury composed of persons drawn only from the City of Detroit.

Rule: 8.108 Transcript for Appeal

A request or order for a transcript of proceedings in the Third Judicial Circuit for use on appeal must be made to Court Reporting Services or a designee of that office by completing and filing the required form with Court Reporting Services.

All transcripts will be filed with and can be obtained through Court Reporting Services by the ordering party, upon completion.

Fourth Judicial Circuit (Jackson)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 2.403 Mediation

(A) Obtaining Briefs or Summary. The mediation clerk shall, immediately after the deadline for filing a document, brief, or summary, make those received available to the assigned mediators. The assigned mediators shall thereafter obtain the same as soon as possible from the administrative office of the court.

(B) Disposition and Adjournment.

- (1) Adjournment of mediation hearings is to be avoided whenever possible. Adjournments are to be approved by the judge assigned to the case or, in the absence of the assigned judge, the chief judge or, in the absence of the chief judge, the chief judge pro tempore.

Whenever possible, the attorney in principal charge of the case shall delegate responsibility for attendance at the hearing to another attorney when necessary so as to avoid adjournment.

- (2) When a case is set for mediation as provided in MCR 2.403, and is thereafter settled or otherwise disposed of before the mediation, it shall be the responsibility of both counsel immediately to notify the mediation clerk of the disposition, and to provide the mediation clerk with a signed, true copy of the judge's order of disposition as soon as possible.

(3) When a true copy of a final order of disposition is submitted to the mediation clerk before the documents, briefs, or summaries have been turned over to the assigned mediators, the fees paid for that hearing shall be returned to the parties paying such fee, except for those fees subject to penalty under the terms of this rule.

Sixth Judicial Circuit (Oakland)

Rule: 2.119 Motion Practice

(A) Miscellaneous Calendar. Motions and petitions shall be heard on Wednesday mornings unless otherwise ordered by the court. An attorney desiring to have a hearing on any pro confesso, default, motion, or miscellaneous matter shall file a praecipe with the assignment clerk on or before the Wednesday preceding the Wednesday of the desired hearing. Each Thursday the assignment clerk shall, under the direction of the chief judge, prepare a list of all matters to be heard the following Wednesday. The list shall show the name of the judge before whom the matter will be heard. A copy of the list shall be published in a newspaper as defined in MCR 2.106(F) before the Wednesday on which the matters will be heard.

(B) Motion Praecipe; Motion Certification by Attorney.

(1) A motion praecipe must be filed at least 7 days before the hearing.

(2) Motion certification by attorney.

(a) The following certificate signed by the attorney of record or by the party in propria persona shall be attached to or incorporated in the praecipe filed with the assignment clerk:

I hereby certify that I have made personal contact with _____ on _____, 20____, requesting concurrence in the relief sought with this motion and that concurrence has been denied or that I have made reasonable and diligent attempts to contact counsel requesting concurrence in the relief sought with this motion.

(C) Appearance at the Hearing. If counsel for the moving party on a motion praeciped for hearing does not check in with the court clerk by 9:30 a.m., the court may dismiss the motion praecipe on its own motion or upon request of counsel for the opposing party.

If counsel for the opposing party in a motion praeciped for hearing does not check in with the clerk by 9:30 a.m., upon request of the moving party the clerk shall call the motion for hearing. If appropriate, the court shall grant the requested relief.

Rule: 2.202 Substitution of Parties; Substitution of Counsel

(A) Substitution of Parties. Any attorney granted leave to add or delete a party to or from a pending case shall promptly notify the assignment office.

(B) Substitution of Counsel. Any attorney granted leave to substitute into a pending case shall promptly notify the assignment office.

Rule: 2.315 Video Tape Depositions

(A) Filing of Petition. A producer of a video-taped deposition or a party may file a petition in a closed case, identifying the tape produced for use in the case, stating facts showing the case is closed, and requesting return of the video tape.

(B) Filing of Affidavit and Stipulation. Along with the petition, the following shall be filed:

(1) An affidavit by the petitioner affirming there is a written transcript in the court file for each requested video-taped deposition, and stating that the petitioner is the owner of the requested video tape or that the owner has waived any rights to the requested video tape;

(2) A stipulation from each party litigant or all counsel of record agreeing there is no objection to releasing the requested video tape and stating there is no appeal pending or contemplated.

(C) Discretion of Court. Upon review of the petition and supporting documents, the court may enter an order permitting release of the requested video tape, may refuse to return the video tape, or may order release of the video tape upon any conditions it deems appropriate.

Rule: 3.205 Prior and Subsequent Orders and Judgments Affecting Minors

(A) Venue. This rule applies whenever the prior and subsequent courts are Oakland County courts.

(B) Notice to Prior Court, Friend of the Court, Juvenile/Probate Register or Prosecuting Attorney.

(1) As used in this rule, "appropriate official" means the friend of the court, juvenile/probate register, or Prosecuting Attorney, depending on the nature of the prior or subsequent action and the court involved.

(2) If a minor is known to be subject to the prior continuing jurisdiction of an Oakland County court, the plaintiff or other initiating party must file written notice of proceedings in the subsequent court with

(a) the clerk or register of the prior court, and

(b) the appropriate official of the prior court.

(3) The notice must be filed at least 21 days before the date set for hearing. If the fact of continuing jurisdiction is not then known, notice must be given immediately when it becomes known.

(4) The notice requirement of this subrule is not jurisdictional and does not preclude the subsequent court from entering interim orders before the expiration of the 21-day period, if required by the best interests of the minor.

(C) Prior Orders.

(1) Each provision of a prior order remains in effect until the provision is superseded, changed, or terminated by a subsequent order.

(2) A subsequent court must give due consideration to prior continuing orders of other courts, and may not enter orders contrary to or inconsistent with such orders, except as provided by law.

(D) Duties of Officials of Prior and Subsequent Courts.

(1) Upon receipt of the notice required by subrule (B), the appropriate official of the prior court

(a) must provide the assigned judge of the subsequent court with the docket sheet;

(b) may appear in person at proceedings in the subsequent court, as the welfare of the minor and the interests of justice require.

(2) The appropriate official of the prior court shall furnish documents upon request of the subsequent court.

(3) Upon request of the prior court, the appropriate official of the subsequent court

(a) must notify the appropriate official of the prior court of all proceedings in the subsequent court, and

(b) must send copies of all orders entered in the subsequent court to the attention of the clerk or register and the appropriate official of the prior court.

(4) If a circuit court awards custody of a minor pursuant to MCL 722.26b, the clerk of the circuit court must send a copy of the judgment or order of disposition to the probate court that has prior or continuing jurisdiction of the minor as a result of the guardianship proceedings, regardless of whether there is a request.

(5) Upon receipt of an order from the subsequent court, the appropriate official of the prior court must take the steps necessary to implement the order in the prior court.

Rule: 3.208 Powers and Duties of Friend of the Court

(B) Friend of the Court Pre-Arrest Review

(1) All bench warrants issued for failure to appear pursuant to an order to show cause in friend of the court matters must contain a provision for bail and be returnable to a friend of the court referee.

(2) A person arrested pursuant to such a bench warrant will be brought before a referee for review at the Oakland County Jail. The referee is empowered to:

(a) enter into a consent agreement for payment of support;

(b) lower the bond if appropriate; and

(c) continue the bond until the next court date for friend of the court matters.

(3) Either party may request an immediate arraignment before the court.

Rule: 6.101 Termination of Circuit Court Appointment of Attorneys and Submission of Fee Vouchers

(A) Termination of Circuit Court Appointment of Attorneys. The appointment of counsel in indigent cases shall terminate at the time of dismissal or sentencing, whether the dismissal or sentencing has occurred at circuit or district court.

(B) Date Certain for Attorney Fee Vouchers. Appointed attorneys shall submit their vouchers to the court administrator no later than one month after dismissal of the case or sentencing of their client.

(C) For purposes of this rule, sentencing shall include granting of YTA status and delayed sentence.

Rule: 6.107 Grand Juries

Petitions for a grand jury shall be presented to the chief judge and submitted by him or her to the bench for decision. No such petition shall be granted except by affirmative majority action of the bench. If a one-man grand jury is called, the judges of the circuit, by majority action, shall designate the judge who shall act as the grand juror.

Rule: 8.115 Courtroom Decorum

(A) This court rule applies to the conduct and dress of those who attend court or engage in business in the courthouse, including attorneys, litigants, witnesses, jurors, and interested persons.

(B) Court proceedings shall be conducted in a manner that protects the dignity and seriousness of the proceedings. Conduct by any person that may interfere with the decorum of the court is prohibited and may result in removal of that person from the court.

(C) Persons attending court are required to abide by the following guidelines, which are representative rather than all-inclusive.

(1) Smoking, eating, drinking (including bottled water), and gum chewing are not allowed in any courtroom at any time, whether during sessions of the court or at recess.

(2) Taking photographs is not allowed in the courtroom without the express permission of the court.

(3) All conversations and reading of books, newspapers, and periodicals, except as necessary for the trial of an issue, are prohibited in the courtroom during sessions of the court.

(4) Demonstrations, placards, badges, T-shirts, and clothing that espouse a position on an issue before the court shall not be allowed without the express permission of the judge.

(5) Individuals other than attorneys, court personnel, and jurors shall refrain from using the corridors between the courtrooms and chambers unless expressly authorized to do so by the court.

(6) Cellular telephones, beepers, and electronic or communication devices that have the capacity to disrupt court proceedings must be turned off or set for silent notification during sessions of the court. Individuals shall not answer telephones, beepers, or other electronic communication devices while the court is in session. Failure to comply with this section may result in a fine, incarceration, or both for contempt of court.

(D) Dress

(1) Attorneys shall wear proper business attire while attending court, unless excused from doing so by the court.

(2) Jurors, parties, and witnesses should wear proper attire while attending court, unless excused from doing so by the court.

(3) Clothing such as short shorts, halter tops, sweat suits, camouflage garments, swimwear, exercise garb, and revealing garments such as tank tops shall not be permitted in the courtroom.

(4) Men are required to remove hats, caps, and hoods in the courtroom.

(5) The jury clerk shall assist the court in ensuring compliance with this subrule, and may require a juror whose clothing does not comport with (D)(2) and (3) to obtain appropriate attire or to report for service on a later date. A juror who fails to return to court as directed may be found in contempt of court and is subject to the penalties permitted by statute and court rule.

(E) It is within the judge's discretion to have an individual removed from the courtroom if the individual's conduct or dress does not comport with this rule.

(F) Individuals other than those giving testimony shall stand at all times when addressing the court or jury, or when examining witnesses, unless excused from doing so by the court.

(G) Each business office of the court may set a policy regarding the use of cellular telephones, beepers, and other electronic or communication devices in that office.

Seventh Judicial Circuit (Genesee)

Rule: 2.119 Motion Practice

(A) Motion Certification by Attorney. The following certificate signed by the attorney of record or by the party in propria persona shall be attached to or incorporated in the motion and notice of hearing filed with the clerk:

I hereby certify that I have made personal contact with _____[name] on _____[date], requesting concurrence in the relief sought with this motion and that concurrence has been denied, or that I have made reasonable and diligent attempts to contact counsel requesting concurrence in the relief sought with this motion.

(B) Proposed Orders. A proposed order must be attached to and served with the motion.

(C) Application. This rule applies to all motions filed in the circuit court and to motions filed in civil actions in the probate court.

Ninth Judicial Circuit (Kalamazoo)

Rule: 2.119 Motion Practice

[Rescinded March 7, 2008]

Rule: 2.401 Pretrial Procedures – Civil

[Rescinded April 27, 1995]

Rule: 2.403 Mediation

[Rescinded April 27, 1995]

Rule: 2.501 Court Calendar: Civil and Domestic Hearings

[Rescinded March 7, 2008]

Rule: 6.000 Court Calendar: Evidentiary Hearings – Criminal Cases

[Rescinded March 7, 2008]

Rule: 6.001 Criminal Procedures – Pretrials

[Rescinded March 7, 2008]

Sixteenth Judicial Circuit (Macomb)

Rule: 2.119 Motion Practice

(A) Motion Day. Monday of each week shall be motion day, except when on a legal holiday, in which case it will be the day following. Uncontested matters will be given preference over contested matters at the morning session.

(B) Filing. Counsel shall notice motions for hearing by filing a praecipe with the County Clerk at least 7 days prior to the scheduled hearing date. The praecipe shall contain the following information:

1. Names of the parties and the number of the case.
2. Nature of the motion.
3. Names of the attorneys.
4. Scheduled hearing date.
5. Name of the judge to whom the case is assigned.

If an order to show cause has been issued and a hearing scheduled for a Monday, 7 days or more from the date of issuance, a praecipe shall be filed to notify the clerk of that fact.

The original motion must be filed with the County Clerk, who shall indicate payment of the motion fee on the praecipe. If not consented to by the opposing party, a copy of the motion and brief, if any, must be filed with the judge who is to hear the motion. The same procedure shall apply for any responses made to the motion by the opposing party.

All motions shall be scheduled for 9:00 A.M. unless otherwise scheduled by or with the approval of the court, and opposing counsel has been so notified.

(C) Opening of Court. Motions will be called by the court clerk in the order as attorneys appear. All counsel entering the courtroom should notify the court clerk of their readiness for hearing.

(D) Dismissal for Non-Appearance. Motions not responded to when called by the court clerk may be dismissed without prejudice one hour after being called. The court clerk will grant consent adjournments if notified by telephone or written stipulation.

(E) Assignment. By 8:45 A.M. each motion day, the assignment clerk and respective court clerks will have posted on the main floor bulletin board of the court building and on each court bulletin board the list of matters scheduled for that day and before which judge the case is assigned.

(F) Hearing on Other Than Motion Day. All motions should be specifically noticed before the judge assigned to the case. Short matters may be heard on days other than motion days promptly at 9:00 A.M. but only when confirmed and scheduled in advance by the judge and when properly noticed for hearing.

(G) Duty to Examine File. Counsel are charged with the responsibility of examining the court file to see that all papers necessary to the hearing are in the file, including proof of service or notice of hearing.

(H) Motion Certification. The attorney of record or the party in propria persona shall certify on the notice of hearing that the attorney or party either has made personal contact with the other party or the party's attorney and requested concurrence in the relief sought, but concurrence has been denied, or that the attorney or party has made reasonable and diligent attempts to contact the other party or the party's attorney, but was unable to do so. The certification must specify the date or dates that contact was made or attempted.

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 2.602 Orders and Judgments

(A) Presentation for Signature. Judgments and orders to which all parties have consented in writing as to form or form and substance shall be presented for the signature or attention of the judge through the court clerk, the court officer, or the judge's secretary. Such documents shall be presented before court convenes,

during recess, at the close of court in the forenoon or afternoon, or left at the judge's chambers for presentation to the judge. If the document is presented for signature while the judge is on the bench and it would be a hardship upon the attorney to return later to pick up the signed document, it may be given to the court clerk who will present it to the judge as soon as possible.

(B) Distracting Conduct. Papers should not be presented to the clerk in the court during trial arguments to the court or jury.

Nineteenth Judicial Circuit (Manistee Benzie)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 6.445 Probation Violations; Authority of Probation Agent to Apprehend, Detain and Confine

(A) Authorization to Apprehend. Probation officers assigned to the Manistee/Benzie Circuit Court are, pursuant to MCL 771.4, authorized without further order of the court to apprehend, detain, and confine any probationer of the Manistee/Benzie Circuit Court accused of violating a term of probation.

(B) Prompt Arraignment. A probationer apprehended, detained or confined under this rule must be brought promptly before the court for arraignment.

(C) Written Charges and Hearing. A probationer apprehended, detained, or confined under this rule is entitled to a written copy of the charge, setting forth the alleged violation of probation, and is entitled to a hearing conducted in accordance with law and the court rules.

Twenty-First Judicial Circuit (Isabella)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Twenty-Third Judicial Circuit (Alcona Arenac Iosco Oscoda)

Rule: 2.119 Motion Practice

Local court rule 2.119 is rescinded, effective immediately.

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective immediately.

Rule: 3.208 Taking of Cash Bonds and Modification of Cash Bonds in Friend of the Court Bench Warrant Cases

(A) In addition to the sheriff or his deputy, court officers authorized by the chief judge may accept the payment of money in fulfillment of a cash bond from a person arrested pursuant to a bench warrant issued under MCL 552.631 or MCR

3.208(B)(4) and (6), immediately upon arrest or at any point thereafter prior to court appearance, subject to the conditions set forth at MCL 552.632.

(B) If the respondent is not brought before the court within 24 hours of arrest and is unable, thereafter, to post the required cash bond, or if the respondent cannot be lodged at the county jail because of a declared jail overcrowding emergency and a circuit judge is not readily available to arraign the respondent, the friend of the court or deputy friend of the court may conduct a prearrestment bond review and authorize a lower cash bond, pending the respondent's arraignment on the bench warrant before the court.

(C) In determining whether to lower a cash bond, the friend of the court or deputy friend of the court must take into account factors such as the respondent's available resources and the likelihood that he or she will appear before the court as further directed by the friend of the court or deputy friend of the court. The friend of the court or deputy friend of the court may authorize release upon personal recognizance pending arraignment before the court.

Rule: 6.113 Pretrial Conferences

Local court rule 6.113 is rescinded, effective immediately.

Rule: 6.445 Probation Violations; Authority of Probation Agent to Apprehend, Detain and Confine

Local court rule 6.445 is rescinded, effective immediately.

Twenty-Fourth Judicial Circuit (Sanilac)

Rule: 2.401 Pretrial Conferences; Trial Date Assignments

The assignment clerk shall, based upon the term calendar, determine which cases are ready for pretrial conference and notify counsel of record as to the date, time, and place thereof; however, all pretrial conferences shall, as far as practicable, be held a reasonable time prior to trial. Failure of counsel to appear at pretrial conferences without notice may result in such action as is provided by the Michigan Court Rules. The pretrial conference may be waived in writing by both counsel through stipulation, except where a pretrial conference is expressly ordered by the court. All counsel for the respective parties shall attend the pretrial hearing, unless excused by the court, and they may, at their discretion, and the discretion of the court, be accompanied by their respective clients. As far as possible, trial dates will be assigned to counsel at the pretrial conference, and no further notice of trial shall be given. Post pretrial discovery shall be allowed; however, failure to complete

discovery prior to trial shall not be a basis for adjournment of the trial date set at the pretrial hearing, except for good cause shown.

Rule: 2.602 Signing of Proposed Judgments and Orders

All proposed judgments or orders shall be delivered to the assignment clerk or the county clerk, who shall attach them to the appropriate court file. However, if an attorney is desirous of obtaining a signed order or judgment without delay, the appropriate file may be checked out of the county clerk's office with the proposed order or judgment attached and presented to the judge for signature.

Twenty-Eight Judicial Circuit (Wexford Missaukee)

Rule: 2.401 Pretrial Conferences

(A) Pretrial Conferences in Criminal Cases:

(1) On the date scheduled for arraignment pursuant to Local Administrative Order No. 1985-2, a pretrial conference shall be held unless the defendant enters a plea of guilty or nolo contendere when arraigned.

(a) The pretrial conference may be adjourned or continued by order of the court.

(b) The defendant shall be present at the pretrial conference unless excused by order of the court.

(2) Scope of Conference. At the pretrial conference, the court shall:

(a) Determine the need for pretrial motions, establish a cutoff date for the filing of said motions, and schedule said motions for hearing;

(b) Determine whether or not there are additional witnesses sought to be endorsed by the prosecution or defendant;

(c) Determine whether the defendant is raising any defense which requires notice (alibi, insanity, or incompetency) and require the filing of such notice as required by law;

(d) Estimate the time required for trial;

(e) Determine whether plea negotiations are completed;

(f) Determine whether the defense will waive any endorsed witness;

(g) Determine whether there will be any unusual legal issues or requested special jury instructions;

(h) Consider all other matters that may aid in the disposition of the action; and

(i) Fix a date certain for trial.

Thirtieth Judicial Circuit (Ingham)

Rule: 2.119 Motion Practice

(A) An attorney of record may secure a date for hearing from the trial judge's secretary for matters such as uncontested divorce cases, brief motion arguments, and hearings.

(B) Motion day shall be Wednesday. If a legal holiday coincides in some manner, the assignment clerk shall set a new motion day and provide appropriate notice.

(C) Any hearing time secured by telephone shall be cancelled if a written notice of hearing is not filed within seven days with a copy to the assignment clerk or judge's secretary, as appropriate.

(D) Any matter requiring testimony or hearings of more than 15 minutes shall be scheduled by the assignment clerk other than on motion day.

Rule: 2.510 Impaneling the Jury

Jurors: Term of Service.

(1) All persons summoned to appear as circuit court petit jurors shall serve a term of one calendar week, or for the duration of the trial, if selected to serve on a trial jury.

(2) During the term of the jury service jurors shall report for actual jury service only when so directed by the court.

Rule: 6.107 Grand Jury

(A) Grand Juries; Presentation of Petition; Granting of Petition.

(1) Petitions for a grand jury shall be presented to the chief judge, and submitted to the bench for decision.

(2) No such petition shall be granted except by affirmative majority action of the entire bench.

(B) Grand Juries; One-Person Grand Jury. If a one-person grand jury is called, the judge who shall act as the grand juror shall be selected by blind draw.

(C) Grand Juries; Citizens' Grand Jury; Selection. If a citizens' grand jury is called, the chief judge shall direct the jury board to draw the names of a specified number of persons to appear for selection to serve as grand jurors. A judge shall be selected by blind draw and shall preside over the selection of a sufficient number of the persons to serve as grand jurors and subsequent grand jury proceedings.

Thirty-Seventh Judicial Circuit (Calhoun)

Rule: 2.119 Motion Practice

(A) Examination of File. Counsel must ensure that all papers necessary to a hearing are in the court file and properly executed, including proof of service and notice of hearing, whether contested or not.

(B) No motion will be heard wherein the motion fee is due and unpaid at the time of the scheduled hearing unless such fee has been waived or suspended in accordance with the Michigan Court Rules.

Rule: 2.401 Pretrial Conferences

[Rescinded September 20, 1993]

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 2.403 Mediation

(A) Mediators. Property division in divorce proceedings shall be heard by one mediator unless a greater number is ordered by the court or is requested by the parties at the time the case is ordered to mediation.

(B) Scheduling of Hearings. The mediation clerk may establish a monthly standard mediation day or days, as needed, for hearings. Cases will generally be assigned to such date in the month ordered by the court; provided, if the court has not designated a specific month for mediation, then the month assigned by the mediation clerk will be that which will allow sufficient time for post-mediation procedures prior to trial, unless the parties stipulate otherwise.

(C) Mediation Fees.

(1) If a matter is settled or adjourned but notification is not given by the parties to the mediation clerk until after the eighth day prior to the scheduled hearing, no refund of fees will be made and the mediators shall be paid their fees. Any subsequently rescheduled hearing shall require the parties to pay an additional \$75 per party fee.

(2) Parties qualified for waiver or suspension of fees by reason of indigency are not required to pay a mediation fee or late filing fee unless or until they recover upon a money judgment or settlement in the suit.

(3) If a party fails to pay any fees required within the time limits prescribed, the mediators may refuse to accept or consider the written and oral presentations of that party in mediating the case. The mediation clerk shall send a past due notice for any unpaid fees. If any fees remain unpaid after 20 days from the mailing of the past due notice, then the mediation clerk shall petition the court for an order to show cause directed to the delinquent party or counsel if the parties are represented by counsel. Additionally, if the party fails to pay fees or the late filing penalty, the panel's evaluation may include a provision that the party not be entitled to recovery of costs if the matter proceeds to trial. This

provision shall not apply to any party for whom fees have been waived or suspended by reason of indigency.

(D) Submission of Documents. All communications among the parties and the mediators concerning the issues in mediation shall be made in the presence of all parties, or, if in writing, by immediately forwarding copies of such communication to other parties to the proceeding. This provision does not apply to communications between mediators in evaluating the case.

(E) Conduct of Hearings.

(1) At the hearing, the plaintiff's statement shall be made first and the defendant's thereafter, if any. Rebuttal may be made if a counterclaim is asserted, or, if authorized by the panel.

(2) Mediation hearings shall be subject to the same decorum and conduct rules as court proceedings. Any violations thereof shall be reported by the mediators to the mediation clerk for appropriate enforcement action. Any such action shall be brought before the chief judge.

(3) Attendance at mediation hearings will be limited to the mediators, the parties and their attorneys, and the mediation clerk unless attendance by others is specifically authorized by the mediation panel or by court order.

Rule: 3.208(B) Taking of Cash Bonds and Modification of Cash Bonds in Friend of the Court Bench Warrant Cases.

(1) In addition to the sheriff or his deputy, court officers authorized by the chief judge may accept the payment of money in fulfillment of a cash bond from a person arrested pursuant to a bench warrant issued under MCL 552.631 or MCR 3.207(D)(5) [MCR 3.208(B)(6)], immediately upon arrest or at any point thereafter prior to court appearance, subject to the conditions set forth at MCL 552.632.

(2) If the respondent is not brought before the court within 24 hours of arrest and is unable, thereafter, to post the required cash bond, or if the respondent cannot be lodged at the county jail because of a declared jail overcrowding emergency and a circuit judge is not readily available to arraign the respondent, a friend of the court referee may conduct a prearrestment bond review and authorize a lower cash bond pending the respondent's arraignment on the bench warrant before the court.

(3) In determining whether to lower a cash bond, the referee must take into account factors such as the respondent's available resources and the likelihood that he or she will appear before the court as further directed by the referee. The referee is without authority to authorize release upon personal recognizance pending arraignment before the court.

Rule: 6.445 Probation Violations; Authority of Probation Agent to Apprehend, Detain and Confine

(A) Authorization to Apprehend. Probation officers assigned to the Calhoun Circuit Court are, pursuant to MCL 771.4, authorized without further order of the court to apprehend, detain, and confine any probationer of the Calhoun Circuit Court accused of violating a term of probation. The director and the assistant director of

the Calhoun Community Alternatives Program Residential Probation Center may apprehend, detain, and confine a probationer of this court who is assigned to that program and who is accused of violating a term of probation.

(B) Prompt Arraignment. A probationer apprehended, detained or confined under this rule must be brought promptly before the court for arraignment.

(C) Written Charges and Hearing. A probationer apprehended, detained, or confined under this rule is entitled to a written copy of the charge, setting forth the alleged violation of probation, and is entitled to a hearing conducted in accordance with law and the court rules.

Thirty-Eight Judicial Circuit (Monroe)

Rule: 2.119 (C) Motion Practice

Time for Service of Motion Praeipce. Except in an emergency, a motion praecipe must be filed at least 7 days before the scheduled hearing date.

Thirty-Ninth Judicial Circuit (Lenawee)

Rule: 8.110 Chief Judge Rule

(A) Terms and Sessions. There shall be four terms of court each year beginning the first Monday of January, April, July, and October, unless falling on a legal holiday, in which case the next weekday of the month shall be the first day of the term. Each term of the court shall be deemed to continue from the first day of the term until the first day of the succeeding term.

(B) Arraignments. When the district court binds any respondent over to the circuit court for trial, said respondent shall be ordered to appear before the Thirty-Ninth Circuit Court on the Tuesday or Friday morning next following four days after the district court orders said respondent bound over. The appearance shall be at 8:15 A.M. on said Tuesday or Friday.

(C) Nonsupport Orders. Nonsupport orders to show cause will be noticed at 8:30 A.M., Monday.

(D) Motions. Motions, petitions, defaults, pro confesso, ex parte, and miscellaneous matters, and other short causes not requiring more than 20 minutes, shall be heard on Monday of each week beginning at 9:00 A.M., unless a legal holiday, in which case they shall be heard the following day at 9:00 A.M.

(E) Monday Matters. Monday matters will be heard by the court. If other attorneys are waiting, a matter being heard will be recessed after 20 minutes until all other matters are heard.

Fortieth Judicial Circuit (Lapeer)

Rule: 1.101 Scope of Rules

(A) These rules govern the practice of the Fortieth Judicial Circuit in civil and criminal cases.

(B) These rules are supplemental to the Michigan Court Rules of 1985, which shall be controlling in the event of any conflict in the rules.

(C) These rules shall supersede all earlier local court rules of this circuit and shall rescind all related administrative orders of this circuit.

Rule: 1.102 Number of Rules

(A) These rules are numbered in conformity with the Michigan Court Rules of 1985 as closely as is feasible.

(B) These rules may be cited as "LCR," i.e., this rule may be referred to as LCR 1.102(B).

Rule: 2.119 Motion Day Practice

(A) Motion days shall be held on the first four Mondays of each month. If a Monday is a legal holiday, then the following day shall be motion day, unless otherwise designated.

(B) The chief judge shall determine on which motion days criminal matters will be heard.

(C) All motion day matters shall be noticed for hearing on a regularly scheduled motion day of the judge to whom the action is assigned.

(D) Matters may be scheduled for hearing on motion days by filing a motion praecipe no later than noon of the previous Thursday.

(E) Unless otherwise provided by notice published in the term calendar, criminal matters (including appeals), paternity, arraignments, family support matters, and driver's license petitions shall be noticed for hearing on assigned motion days at 1:30 P.M.; all other matters shall be heard at 9:00 A.M.

(F) At each session of motion day, attorneys shall notify the court clerk when their matters are ready for hearing and those matters shall be called in the order in which notice is received.

Rule: 2.401 Civil Pretrial Conference Procedures

(A) Preparing for Pretrial Conference. Attorneys or parties in propria persona shall be prepared to participate in a pretrial conference pursuant to MCR 2.401 and these rules.

(B) Submitting Pretrial Statements. Each party shall submit to the court and to the opposing counsel, at the beginning of every scheduled pretrial conference, a pretrial statement that sets forth:

- (1) a brief statement of the party's claims and defenses;

- (2) a statement of factual issues;
- (3) a statement of legal issues;
- (4) citations of law in support of the party's positions including, in negligence actions, all statutes the other party is claimed to have violated;
- (5) a statement of required amendments to pleadings and the reasons of the delayed request to amend pleadings;
- (6) a statement of required discovery;
- (7) an estimate of the time required for trials; and
- (8) any other information that will enable the court and parties to conduct a meaningful pretrial conference.

(C) Using Forms in Lieu of Statement. Blank forms for pretrial statements for different types of actions shall be available in the clerk's office and may be completed and submitted in lieu of the pretrial statement described in subrule (B).

Rule: 2.602 Presenting Orders and Judgments for Signature of Judge

Proposed judgments and orders shall be deposited with the clerk, who will check them against the clerk's minutes before they are presented to the judge for signature; this procedure need not be followed with respect to the following judgments and orders:

- (1) those approved by opposing counsel,
- (2) those presented for signature at the same session of court, and
- (3) interim support orders.

Rule: 6.100 Criminal Procedure

(A) Criminal Pretrial Conferences.

(1) Pretrial conferences shall be held in all criminal cases to be tried in circuit court. The purposes of a pretrial conference shall be:

- (a) to determine whether the parties intend to proceed to trial or to enter a plea to the original charge, a lesser charge, or an added charge;
- (b) to determine whether pretrial motions have been completed;
- (c) to stipulate which witnesses will be called at trial and which witnesses will be waived, if any;
- (d) to determine the number of trial days required;
- (e) to determine when the case will be ready for trial and disclose any scheduling problems.

(2) The defendant and his or her attorney, as well as the prosecuting attorney or a representative, shall attend the pretrial conference. The defendant shall not participate in the conference, but shall be immediately available for consultation. Incarcerated defendants need not be present, unless required by the judge.

(3) Copies of the pretrial conference summary shall be available from the clerk on request.

(B) Arraignments and Motions.

(1) Arraignments shall be noticed for a regularly scheduled motion day of the judge to whom the case is assigned. The district court judge who binds the case over to circuit court for arraignment will ordinarily assign a date for arraignment. If no date is assigned, the case will automatically be noticed by the clerk for the next regularly scheduled criminal motion day of the assigned judge.

(2) A defendant represented by a lawyer may enter a plea of not guilty or stand mute without arraignment in accordance with the provisions of MCR 6.101(D)(2). In such a case, the defendant shall state, in addition, what pretrial motions will be filed, how much time will be required to hear them, and the earliest date the defendant will be ready to proceed with them. A copy of the statement shall be served on the prosecuting attorney no later than the date set for arraignment.

(3) At the arraignment or on receipt of the statement required in subsection (2), the court shall set a date for hearing pretrial motions. Except in the discretion of the trial court for good cause and not as the result of failure to exercise due diligence on the part of counsel or the parties and in those matters concerning jurisdiction, no pretrial motions shall be accepted by the court for hearing after the pretrial conference is completed.

Forty-First Judicial Circuit (Dickinson Iron Menominee)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Forty-Second Judicial Circuit (Midland)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Forty-Fifth Judicial Circuit (St. Joseph)

Rule: 2.403 Mediation

(A) All mediation procedures shall be in accordance with MCR 2.403.

(B) After a mediation order is entered, the parties must serve upon the mediation clerk a copy of any motion, stipulation, order, or pleading concerning scheduling.

(C) The parties may object to the form of mediation or to the composition of a mediation panel by following the procedures and time periods specified in MCR 2.403(C).

(G) Mediation shall be conducted in the courthouse on the last Friday of each month or, by stipulation, at any other time and place convenient to the mediators.

(H) If a matter is settled or otherwise concluded, and a notice of disposition is given to the mediation clerk at least 14 days prior to the hearing date, any fees paid pursuant to MCR 2.403(H) shall be returned. Failure to notify the mediation clerk within the specified time shall preclude the return of fees.

Rule: 2.502 Dismissal for Lack of Progress

(A) Notice of Proposed Dismissal. If an attorney or party is directed to appear in court pursuant to MCR 2.502(A) in order to prevent an action from being dismissed for lack of progress, such appearance may be made either by letter or in person.

Forty-Sixth Judicial Circuit (Otsego Crawford Kalkaska)

Rule: 2.403 Mediation

(A) All mediation procedures shall be in accordance with MCR 2.403.

(B) After a mediation order is entered, the parties must serve upon the mediation clerk a copy of any motion, stipulation, order, or pleading concerning scheduling.

(C) Adjournment of mediation hearings is to be avoided whenever possible. Adjournments are to be approved by the judge assigned to the case or, in the absence of the assigned judge, the chief judge. Whenever possible, the attorney in principal charge of the case shall delegate responsibility for attendance to another attorney so as to avoid adjournment.

(D) If a matter is adjourned, settled or otherwise disposed of before mediation, it shall be the responsibility of both counsel to immediately notify the mediation clerk of the disposition. If a notice of disposition or adjournment is given to the mediation clerk at least 7 days prior to the hearing date, any fees paid pursuant to MCR 2.403(H) shall be returned. Failure to notify the mediation clerk within the specified time shall preclude the return of fees; any subsequent rescheduled hearing shall require the parties to pay an additional \$75 fee per party.

Forty-Eight Judicial Circuit (Allegan)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Rule: 3.206 Pleading

All new cases filed in the family division of the 48th Circuit Court must be accompanied by a completed case file information form, in addition to any other

document or information required by statute or court rule. Forms may be obtained from the Office of the County Clerk.

Fiftieth Judicial Circuit (Chippewa)

Rule: 2.402 Facsimile Transmission of Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.

Fifty-Sixth Judicial Circuit (Eaton)

Rule: 2.402 Facsimile Filing and Transmission of Court Documents

Local court rule 2.402 is rescinded, effective January 1, 2004.